

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00501

Tracy Donte Burleson,
Petitioner,

v.


Lonnie Townsend, IV et al.,
Respondents.

ORDER

Petitioner Tracy Donte Burleson, proceeding pro se, filed this federal petition for a writ of habeas corpus. Doc. 3. This petition was referred to United States Magistrate Judge John D. Love. On May 4, 2023, Judge Love issued a report recommending that petitioner's federal habeas petition be denied and dismissed with prejudice for failure to exhaust administrative remedies. Judge Love also recommended that petitioner be denied a certificate of appealability sua sponte. A copy of the report and recommendation was sent to petitioner at his address with an acknowledgment card. A copy of the report was mailed to plaintiff, who received it on May 31, 2023, and did not file written objections. Doc. 22.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Petitioner is denied a certificate of appealability sua sponte.

So ordered by the court on June 28, 2023.



J. CAMPBELL BARKER
United States District Judge